

AMENDED IN ASSEMBLY JUNE 26, 2014

AMENDED IN SENATE MAY 7, 2014

AMENDED IN SENATE APRIL 8, 2014

SENATE BILL

No. 949

Introduced by Senator Jackson

February 6, 2014

An act to add Article 4 (commencing with Section 104670) to Chapter 2 of Part 3 of Division 103 of the Health and Safety Code, relating to nutrition.

LEGISLATIVE COUNSEL'S DIGEST

SB 949, as amended, Jackson. Nutrition: Distinguished After School Health Recognition Program.

Existing law, the Child Care and Development Services Act, provides, among other things, a comprehensive, coordinated, and cost-effective system of child care and development services for children from infancy to 13 years of age and their parents, including a full range of supervision, health, and support services through full- and part-time programs. Existing law also provides for the licensure and regulation of various types of child care facilities, including day care centers, by the State Department of Social Services.

This bill would establish the Distinguished After School Health (DASH) Recognition Program, to be administered by the State Department of Public Health, in consultation with the State Department of Education. The bill would require the department to develop a process, *administered on the department's Internet Web site*, whereby an after school program, as defined, ~~may self-certify on the department's Internet Web site that they meet~~ *be recognized as meeting* prescribed

requirements, including staff training on healthy eating and physical activity, providing healthy food and drinks to participants, and providing participants with physical activity and limited screen time. The bill would require the department to include in the ~~self-certification~~ process on the Internet Web site an option to create a certificate, using a template designed by the department, that includes specified information, including the manner in which the program meets the above requirements. The certificate would be valid for one year and this bill would require the department to post a list of after school programs that have ~~self-certified~~ *qualified* on its Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Distinguished After School Health Recognition Program.
- 3 SEC. 2. The Legislature finds and declares all of the following:
- 4 (a) Childhood obesity poses a serious threat to the children of
- 5 our state and to their future.
- 6 (b) According to the American Heart Association, 23.9 million
- 7 children in America who are 2 to 19 years of age, inclusive, are
- 8 overweight or obese and, of these children, more than one-half,
- 9 12.7 million, are obese.
- 10 (c) In California one out of three children is obese or overweight.
- 11 (d) The medical and workforce consequences of childhood
- 12 obesity also threaten the fiscal viability of our health care system
- 13 and our economy if not addressed. California costs attributable to
- 14 physical inactivity, obesity, and overweight in 2011 were estimated
- 15 at \$52.7 billion.
- 16 (e) The after school provider community has the reach and
- 17 opportunity to provide a healthy after school experience to over
- 18 1,500,000 children in the out-of-school time period. These numbers
- 19 include 4,400 publicly funded after school programs in California,
- 20 including After School Education and Safety Program (ASES) and
- 21 21st Century Community Learning Centers (CCLC) programs that
- 22 serve over 450,000 low-income students (K-12th grade) statewide,
- 23 public and nonprofit after school programs, and 600,000 schoolage
- 24 children in licensed childcare settings.

1 SEC. 3. Article 4 (commencing with Section 104670) is added
2 to Chapter 2 of Part 3 of Division 103 of the Health and Safety
3 Code, to read:

4
5 Article 4. Distinguished After School Health Recognition
6 Program
7

8 104670. The Distinguished After School Health Recognition
9 Program is hereby established, to be administered by the State
10 Department of Public Health, in consultation with the State
11 Department of Education, as appropriate.

12 104671. For purposes of this article, the following definitions
13 shall apply:

14 (a) "After school program" means After School Education and
15 Safety Program (ASES), 21st Century High School After School
16 Safety and Enrichment for Teens (High School ASSETs) program,
17 and other qualified out-of-school time programs that serve
18 schoolage children outside of regular school hours, including before
19 school and on weekends.

20 (b) "DASH recognition program" means the Distinguished After
21 School Health Recognition Program enacted pursuant to this article.

22 (c) "Program attendee" means a person enrolled in an after
23 school program.

24 (d) "Screen time" means time spent viewing or working on
25 television, videos, computers, and hand-held devices, with or
26 without Internet access.

27 104672. The department shall develop a process, to be
28 administered on its Internet Web site, for an after school program
29 ~~to self-certify that it meets all of the criteria of this article~~ *be*
30 *recognized as an after school program that meets the requirements*
31 *of this article and shall include all resources and links that an*
32 *after school program may use to meet the requirements of this*
33 *article.*

34 104673. The process required by Section 104672 shall provide
35 an after school program with the option to create a certificate,
36 using a template designed by the department, that includes a
37 description demonstrating the manner in which the after school
38 program meets, each of the following:

39 (a) Each staff member of the after school program has received
40 training on the standards of this article and the importance of

1 modeling healthy eating and physical activity. Training shall be
2 in accordance with the YMCA of the USA, the Center for
3 Collaborative Solutions, A World Fit For Kids!, the National
4 Institute on Out-of-School Time, or other similar programs.

5 (b) The after school program provides regular and ongoing
6 nutrition education to each program attendee to help the program
7 attendee develop and practice healthy habits.

8 (c) The after school program ensures that each program attendee
9 participates, on a daily basis, in an average of 30 to 60 minutes of
10 moderate to vigorous physical activity, consistent with Guidelines
11 7 and 8 of the California Department of Education's California
12 After School Physical Activity Guidelines, while the after school
13 program is in session.

14 (d) Screen time is limited during the operational hours of the
15 after school program and is only allowed in connection with
16 homework or an activity that engages program attendees in a
17 physical activity or educational experience, consistent with the
18 California After School Physical Activity Guidelines.

19 (e) Healthy foods, including, but not limited to, fruits or
20 vegetables, without added sugar, shall be served to program
21 attendees as snacks on a daily basis. Fried foods, candy, or foods
22 that are primarily sugar-based, high in sodium, or include trans fat
23 shall not be served to program attendees or consumed by staff
24 during the program's hours of operation. Snacks or meals provided
25 pursuant to the After School Education and Safety Program
26 (ASES), the 21st Century High School After School Safety and
27 Enrichment for Teens (High School ASSETs) program, and the
28 Child and Adult Care Food Program (CACFP) meal guidelines
29 shall be deemed to meet this standard.

30 (f) Program attendees shall be served water, low-fat or nonfat
31 milk, or 100 percent fruit juice. A preference shall be given for
32 water. Safe and clean drinking water shall be available and
33 accessible at all times to program attendees and staff. Milk and
34 fruit juices shall not be served in quantities exceeding eight ounces
35 per day. Sugar-sweetened beverages shall not be served to program
36 attendees and staff of the after school program shall not consume
37 sugar-sweetened beverages at the program site.

38 (g) If the after school program is conducting a fundraiser during
39 program hours, all of the following shall apply:

1 (1) Items sold shall be in compliance with the requirements
2 specified in subdivisions (e) and (f).

3 (2) Sales shall be in compliance with the USDA Competitive
4 Food Sales regulations.

5 (3) Sales shall not be scheduled during snack or meal service.

6 (h) If the after school program is located on a school site, the
7 after school program communicates with the school regarding
8 nutrition education and physical activity, as appropriate, to provide
9 the program attendees with a complete educational experience.
10 All activities shall also adhere to the school district's wellness
11 policy.

12 (i) The after school program has implemented an educational
13 program for parents of program attendees that provides the parents
14 with nutrition and physical activity information relevant to the
15 program and the health of their children.

16 (j) Information about the implementation of the requirements
17 listed in subdivisions (a) to (j), inclusive, is available for review
18 by a parent at both the physical location of the after school program
19 and on the after school program's Internet Web site, if there is one.

20 104674. A certificate issued under this article shall be valid
21 for one calendar year. An after school program that wishes to create
22 a new certificate for the subsequent year shall, by January 1 of that
23 year, ~~self-certify on the department's Internet Web site~~ *verify with*
24 *the department*, pursuant to Section 104672, that the program
25 continues to follow the DASH recognition program criteria
26 pursuant to Section 104673. ~~A certificate issued pursuant to this~~
27 ~~article shall state that all information included in the certificate is~~
28 ~~provided by the after school program and is not verified by the~~
29 ~~department.~~

30 104675. The department shall maintain and update a list of
31 after school programs that ~~self-certify~~ *qualify* under the provisions
32 of this article and shall post that list on its Internet Web site,
33 including the date of ~~self-certification~~ *qualification* for each after
34 school program.